

From: maria torres [mailto:mujercoahuilteca@gmail.com]
Sent: Friday, December 13, 2013 2:06 PM
To: hale.jenine@epa.gov; Gee, Randy <Gee.Randy@epa.gov>; dgover@narf.org; chiefdavis@chiefsolutionsinc.com; robert.valencia@pascuayaqui-nsn.gov; maria torres <mujercoahuilteca@gmail.com>
Subject: Fwd: The Pacuache Clan of Texas Amend Request Formal Letter for Party Status under Section 106 and USACE Scope Formal Commentaries Letter to USACE for proposed Coal Mine Site our Ancestral Sacred Ground Indian Land

The Pacuache Clan of Texas Missions Indigenous Lineal Descendants highly needs you support in the protection of our Sacred Ground at proposed Coal Mine Site on top and around of more then 100 archeological Sites. Please confirm/replay Thank you.

----- Forwarded message -----

From: maria torres <mujercoahuilteca@gmail.com>
Date: Fri, Dec 13, 2013 at 2:01 PM
Subject: Re: The Pacuache Clan of Texas Amend Request Formal Letter for Party Status under Section 106 and USACE Scope Formal Commentaries Letter to USACE for proposed Coal Mine Site our Ancestral Sacred Ground Indian Land
To: Darwin.Messer@usace.army.mil, Skipper.Scott@usace.army.mil, gbaxterep@yahoo.com, Javier Riojas <jriojas@trla.org>, "epbusinessjournal ." <epbj@sbcglobal.net>, kickapoolegal@yahoo.com, antonio.garza@ktttribe.org, yosolo3@yahoo.com, maria torres <mujercoahuilteca@gmail.com>

Darwin,
Skipper

The Pacuache Clan of Texas is enclosing Amended Formal Request for Party Status under Section 106 and USACE Scope Formal Letter Commentaries. The Clan will also will scanned pictures and re-send to you US Postal Service pictures. Please let us know if you can highly consider Clan request for one more Public Meeting conduct at Eagle Pass Texas citizens. Please let know our Clan if there is any other information to assist Clan in this matter. Please confirm/replay

The Pacuache Clan of Texas
Missions Indigenous Lineal Descendants
Mary Torres
Tribal Chairwoman
Director
(210) 483-3879

THE PACUACHE CLAN OF TEXAS

Missions Indigenous Lineal Descendants San Juan Baustista-San Bernardo De La Candela our Sacred Anacacho Dacate Sacatsol Mountains, Chotilapacquen Ona River, Elm Creek, Pilapaxam-Pulapacxam River, Nueces River, Rio Grande River, Yanaguana River San Antonio Missions, Indigenous Missions Lineal Descendants to South Texas and Northeastern Mexico, Tribal Nation Inherent Sovereign Self Government. Foundation 1675

Re: The Pacuache Clan of Texas request consulting Party Status under Section 106 in reference to the REIS Meetings Program Expansion, Maverick County Texas of Site under REIS Archeological Regulations. Permit Renewal/Revision/Expansion/Blasting Mining for the Two Republicas Docket No. C5-0003-SC42-C Permit No. 42A, Docket. FD35554. REIS Archeological Regulations. Publish the Notice of Intent to prepare an EIS in the Federal Register on 10/24/2013, Public Publication on Newspaper, The News Gram 2543 Del Rio Blvd., Eagle Pass, Texas on 11/1/2013, USACE Scoping Announcement Regional EIS for Surface Coal and Project Expansion Lignite Mining, NEPA Supplemental Study Category 3 IP Fort Worth District in Texas October 2013 and Conducting by USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, 404(b)(1) guidelines and public interest review analyses, 42 USC 4332(2)(c) amended Mine Expansions areas 1,2,3,4,5,6 and other Federal and State permits and approvals, USACE Scoping Meetings on December 3, 4, 5, 2013 from 4-7pm at Uvalde, Temple, Tyler Texas. USACE use of a Third party Contract arrangement will be utilized to develop the REIS funded by the Texas Mining and Reclamation Association and addition the USACE invitation to the US Environmental Protection Agency, US Fish and Wildlife Service, Office of Surface Mining, Natural Resources Conservation Service, RRC of Texas, TECQ, Texas Parks and Wildlife Department, Texas Historical Commission, the Louisiana Department of Wildlife and Fisheries to be cooperating agencies in the formulation of the Regional Environment Impact Study, the Pacuache Clan of Texas request to USACE a copy(s) of USACE THE SCOPING ANNOUNCEMENT to send this copy(s) to our Clan. Attachments

December 12, 2013

Re: The Pacuache Clan of Texas Amend(s) Formal Letter Request Party Status under Section 106 and USACE Scope Formal Commentaries Letter.

December 6, 2013

U.S. Army Corps of Engineers, Fort Worth District
Attn: Mr. Darwin Messer, Project Manager,
REIS Archeological Regulations
c/o Archeology Division Section
Mr. Skipper Scott
P.O. Box 17300

819 Taylor Street
Fort Worth, Texas 76102
(817)886-1306
(817)886-1742
Darvin.Messer@usace.army.mil
Skipper.Scott@usace.army.mil
Dear Mr. Darwin Messer,
c/o Mr. Skipper Scott

Greetings. The Pacuache Clan of Texas we are Missions Indigenous Lineal Descendants, Our Clan is a Sovereign, Inherent, Self-Determination people. We have Cultural, Linguistic and Family affiliation to our Ancestral Sacred Land in the area of Eagle Pass proposed Coal Mine, Maverick County Texas of site of permit mine for the Dos Republicas renewal/revision/expansion/blasting Mining Docket No. C5-0003-SC-42-C Permit No. 42A, TCEQ Docket No. 2011-1565-IWD Water Discharge renewal Water Discharge Permit WQ000351100, REIS Docket No FD35554.

The Pacuache Clan of Texas honors and always connects to our Maternal Mothers our families gather at our Ancestral Sacred Indian Ground Elm Creek many times in more than 400 years our Clan History our Clan is submitting a picture at Eagle Pass Texas at Elm Creek early 1900's of our Family Perez gathering on our Sacred Indian Land Elm Creek and the middle of picture is my Grand Mother Guadalupe De Palma Perez and my Great Aunts and Great Uncles, in addition a picture wedding at Eagle Pass Texas of our Great-Great-Grand-Mother Guadalupe Perez to Vicente De Palma in the year 1893, the year of 1920's the wedding at Eagle Pass Texas of my Great-Grand-Mother Guadalupe Perez to John Coyle. Attachements

The Pacuache Clan of Texas is requesting to you U.S. Army Corps of Engineers for Consulting Party Status under Section 106. The Pacuache Clan of Texas will cited NAGPRA, 36 USC 800, The Archeological Resources Protection Act 1979 16 USC, and The Native American Freedom Religious Act 1996, 25 USC, The National Historic Preservation Act of 1966 Amended 16 USC Executive Order 13287 Preserve America Section 3 Inventory of Historic Properties required by Section 110 (a) (2) and operating procedures for compliance with Section 110 and Section 111 of the NHPA 16 USC 470 h-2 and 470 h-3 and NHPA 16 USC 470 et seq, NHPA Section 10 (d) THPO, and The National Environmental Policy Act 42 USC 4321 et seq, USACE 404.

The Pacuache Clan of Texas cites authorities are further supplemented by the following federal authorities which gives Native American Tribes further protections and privileges see: Tribal participation as noted in the section dealing with tribal participation in general the regulations require agencies to seek information in accordance with agency planning processes from Indian tribes likely to have knowledge of or concerns with historic properties in the area as agencies begin their efforts to identify historic properties subject to effect 36 CFR 800.(a)(I)(iii). Agencies

are encouraged to notify interested persons and parties known to be interested in the undertaking and its possible effects on historic properties, such as concerned tribes, if the agencies determine that no historic properties exist in the area subject to effect. Also agencies are required to notify interested persons who have made their concerns known to the Agency Official, if agencies determine that such properties do not exist but will not be affected 36 CFR 800.5(b). Tribes and others who disagree with and agency's determination can seek Council review of the determination under 36CFR 800.6(e) (I). All these provisions apply to non-Indian lands as well as to Indian Lands. The Pacuache Clan of Texas again asks USACE to take judicial notice of the statues cited in this paragraph.

Enclosed we are submitting to you the Cultural Resources Sites Inventories and Map Supplemental 125, letter dated March 19, 2012 to Mr. Dave Navecky of Surface Transportation Board our Clan requesting a Full Regional Environmental Impact Statement Investigation Report. Our Clan is also summiting to you the letter dated August 26, 1994 by the Texas Historical Commissions on Destruction of two archeological sites by Dos Republicas Company were this Company Dos Republicas start construction Road at proposed Mine Site and Dos Republicas had to stop is Road construction due to Dos Republicas conducting Destruction of our Ancestral Sacred Burial Ground Site. Attachments

The Pacuache Clan of Texas appreciates you will inform us of REIS starting Study(s) and Report(s) conducting by the U.S. Army Corps of Engineers Environmental and Cultural Resources Impacts already happen destruction of two archeological sites by this Dos Republicas Company and already has inflicted to our Pacuache Clan of Texas has been injured and will continue to be injured due to the wholesale destruction of our Coahuilteco Indian Sacred Sites located in and around the Mine Site.

The Pacuache Clan of Texas during proceedings in 2011 for these two renewal permits for Dos Republicas Surface Mining Blasting and water discharge permits our Pacuache Clan is a autonomous Clan from any other Clan and our Clan joined only in this legal matter with another autonomous Clan The Coahuilteco Research Associates CRA and they are a Indian Tribe from the Mesquite-Payaya Clans Nation and they are also Missions Indigenous Lineal Descendants, they were granted interested party status by the Federal Surface Transportation Board in 2007, they were afforded the same consideration by the US Army Corps of Engineers in the same year.

The Pacuache Clan of Texas will like to inform you we are presently in litigation at Travis County District on the permit for surface Mine blasting and destruction of our Sacred Land by Dos Republicas and at great risk our losing and destruction for proposed Coal Mine of more of 100 archeological sites on top and around proposed Coal Mine.

The Pacuache Clan of Texas will like to inform USACE we are including exhibits of the News Gram Publication information Publication on 11/1/2013, the Intent to Prepare a Regional Environmental Impact Statement for Surface Coal and Lignite mining in the State of Texas (6) pages Billing Code 3720-58 Department of Defense, Department of the Army; Corps of Engineers, and the USACE Scoping Announcement October 2013 total (7) pages including the Comment Form (2) pages our Clan has filled Commentary Form and Contact information and the Project mailing list for the REIS for Surface Coal and Lignite Mining in the State of Texas where we mark and check to add our name to the mailing list and we sign up to receive the REIS to receive a CD of the RIEZ for review when it is available, and we check yes to send us a CD of the REIS for review. Attachments

The Pacuache Clan of Texas position on USACE meetings conducted on 3, 4, 5 December 2013 my constituents residents of Eagle Pass Texas were deprived of the rights to voice opposition of proposed Coal Mine Eagle Pass City by the USACE to attended meeting on 3, December 2013, many Eagle Pass residents including parents, senior citizens, disability access for people with disabilities, veterans, other groups could not afforded to travel hour and half to commute from Eagle Pass to Uvalde where USACE meeting conducted this Scope Meeting. Mr. Messer please let know our Clan if you can consider this Request.

The Pacuache Clan of Texas position for the interest of justice our Clan requests you the USACE a Public Meeting to be conduct at Eagle Pass Texas Community citizens for their voice to be hear in the proposed Coal mine site at Eagle Pass Texas City Community and because Eagle Pass citizens were deprived and had a hardship to attend meeting because many are parents, seniors citizens, veterans, citizens with access disabilities and were not available to travel one hour and half form Eagle Pass to Uvalde Texas to attend Meeting on December 3, 2013.

Mr. Messer please lets us know if there is any other information that will be helpful to you. The Clan greatly appreciates our request for a Meeting at Eagle Pass Texas and also you update us in reference to EIS Meeting or any other important information to this delicate matter.

Respectfully,

The Pacuache Clan of Texas
Mary Torres
Tribal Chairwoman
Director
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935 West Silver Sands Dr. #2705
San Antonio, Texas 78216
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Enclosures pdf Format and all Attachments will be send US Postal Service urgent next day delivery and US Postal Delivery Return Confirmation

The Pacuache Clan of Texas **Commentaries** to the USACE due December 20, 2013

The Pacuache Clan of Texas position on proposed Coal Mine our Indian Clan is already been injured and will continue to be injured will suffer great emotional stress, dress, and physical harm due to the wholesale destruction of our Coahuilteco Indian Sacred Sites located in and around the Coal Mine Site by Dos Republicas activities at our Ancestral Sacred Site of more than 100 archeological sites in proposed Coal Mine and around proposed Coal Mine on August 26, 1994. The Issues at stack are during Texas Railroad Commission Hearing on Monday January 30, 2012 in open court attorneys for the defendants made the dogmatic statement to the effect that "there will be no impact made on any historic sites in the project area". Because our Clan and we were the petitioners present in court that day, and heard this statement. Issue, the proposed Coal Mine will cause total destruction of Native American cultural items to include Human remains, funerary objects, sacred objects, Objects of Cultural patrimony our Ancestral Indian Lands at proposed Coal mine site are significant Historic and significant under Cultural Regulations. Issue, Dos Republicas violations under Cultural Regulations of State and National Antiques Laws Section 106. Issue, Piedras Negras City Coahuila Mexico already has a Coal Mine in operation. Issue, under section 106 uncompleted Natural and Cultural Resources Reports and Inventories before proposed Coal Mine and presently uncompleted Natural and Cultural Resources at proposed Coal Mine. Issue, Pacuache Clan of Texas position at proposed Coal Mine is Sacred Burial Ground the entire Site is Sacred Ground. Issue, The Pacuache Clan position over more than 100 sites on a Formal Complaint Clan will be summit to The Advisory Council of the Historic Preservation or The Office of Native Americans Affairs and Department of Interior, Bureau of Indian Affairs included Southwest Regional Office, The Clan position on our Ancestral Sacred Site as a whole connectivity of our past Ancestral Human way of life conducted for thousands of years is eligible as a National Historic Register Site Patrimony of Humanity. Issue, violations not notifying, reporting and monitoring Sacred Site of proposed Coal Mine under NAGPRA Roberto Valencia of Yaqui Traditional Tribe and the formal Southwest Region NAGPRA Chairmen. Issue, 8000 acres that are going to be destroyed with dynamite blasting at a Sacred site with many Indian burials yet to be unearthed. Issue, in addition the area of Eagle Pass leading into Mexico has very culturally rich deposits especially around the natural crossings of the Rio Grande River to include Paso Del Pacuache and Paso de Francia, which is known as the Gateway to Texas. Issue, Clan had ask the Court to block and take effect from construction this 8000 acre Coal Mine near Eagle Pass, Texas on Final Order Travis Court did not dismiss this Issue of Clan. Issue, destruction of natural habitat for our Sacred Ocelot, Jaguarundi, other Sacred spices at proposed Coal Mine Site Eagle Pass Texas, the proposed Coal

Mine NHPA: Section 106 [see 43 CFR 10.2 (d) NAGPRA: SECTION 3 the record show that the permitted are has at least two endangered species that roam in the permitted are sic: "Wildcat kittens have been observed suggesting that perhaps these areas could be a home range." This flagrant disregard of Federal laws given to us by the U.S. Fish and Wildlife and the Texas Parks and Wildlife should not be allowed. The issue, the proposed Coal Mine will discharge under the earth underground highly toxics nitros (nitratos) these toxics are highly corrosive and will destroy every archeological site including the presence of Native American cultural items to include Human remains, funerary objects, Sacred objects, Objects of cultural patrimony. Issue, whether the proposed discharge and dust from the facility would contaminate or degrade the quality of Elm Creek Land its Tributaries which are claimed by the Pacuache Clan of Texas as our ancestral lands as Indians. Issue whether the draft permit would allow violation of water quality standards. Issue whether the facility would cause health hazards and nuisance conditions. Issue whether the proposed discharge would contaminate drinking water sources. Issue whether Agency staff properly calculated the water quality-effluent limits and accurately concluded that the discharge would comply with Texas water quality standards exhibit by Eagle Pass Business Journal 10/29/2011 in this newspaper expressly provides that the Dos Republicas Coal Partnership's Eagle Pass Mine discharge of mine seepage and storm waters will affect the public water supply of City of Eagle Pass, aquatic life on the Elm Creek and the Rio Grande River and contact recreation areas on these waterways. Issues the permit water for mine authorizes Dos Republicas Partnership to discharge storm water and mine seepage from the active mining area subject to the following suspended solid 3.5 daily, iron 3.0 daily, manganese 2.0 daily, selenium n/a daily, in addition to these known carcinogenic chemicals the Dos Republicas is authorized to discharge into Elm Creek and the Rio Grande River on a daily basis the following effluent chemicals aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, trivalent chromium, hexavalent chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, zinc, bod, carbonaceous biochemical oxygen, chemical oxygen, organic carbon, ammonia nitrogen, total suspended solid, nitrate nitrogen, organic nitrogen, phosphorous, oil and grease, residual chlorine, total dissolved solids, sulfate, chloride, fluoride, fecal coliform, and others. Issue when coal surfaces are exposed, pyrite (iron sulfide) comes in contact with water and air and forms sulfuric acid. As water drains from the mine, the acid moves into the waterways, and as long as rain falls on the mine tailings the sulfuric acid production continues, whether the mine is still operating or not. This process is known as acid rock drainage (ard) or acid mine drainage (amd). If the coal is trip mined, the entire exposed seam leaches sulfuric acid, leaving the subsoil infertile on the surface and begins to pollute streams by acidifying and killing fish, plants, and aquatic animals which are sensitive to drastic ph shifts, in addition surface mining can adversely impact the hydrology of a region. Deterioration of a stream quality can result from acid mine drainage, toxic trace elements, high content of dissolved solid in mine drainage water, and increased sediment loads discharged to streams, Waste piles and coal storage piles can yield sediment to streams, and leached water from these piles can be acid and contain toxic trace elements. Surface waters may be rendered unfit for agriculture, human consumption, bathing, or other household uses. Flood events can cause severe damage to improperly constructed or

located coal haul roads, housing, coal crushing and washing plant facilities, waste and coal storage piles, settling basin dams, surface water diversion structures and the mine itself. Besides the danger to life and property, large amounts of sediment and poor quality water may have detrimental effects many miles downstream from a mine site after a flood. Overall, it will cause a lot of pollution drinking water. Ground water supplies may be adversely affected by surface mining. These impacts include drainage of usable water from shallow aquifers, lowering of water levels in adjacent areas and changes in flow directions within aquifers; contamination of usable aquifers below mining operations due to infiltration or percolation on spoil piles. Where coal or carbonaceous shales are present, increased infiltration may result in increased runoff of poor quality water and erosion from spoil piles; recharge of poor quality water to shallow ground water aquifers; or poor quality water flow to nearby streams. This may contaminate both ground water and nearby streams for long periods. Issue, Leaching and leach to underground and ground water(s), soil and air contamination a proposed Coal mine site. Issue, Elm Creek pollution of Creek waters and San Miguel formation and impact in other formations or areas describe in permit sections. Issue, past Coal Mining at Eagle Pass in the 1930's there are Sink or sinking(s) Hole(s). Issue, there are Natural blue holds or holds of Ancient water also called Cenotes which they are going to be highly polluted and contamination. Attachments Pictures provided to our Clan by Texas Department Fish and Wildlife on Wildlife observe and seen at Eagle Pass, Texas Ocelot, Jaguarundi, Pacuache Tilijaya Clan of Texas Ancestral drawings from San Juan Bautista Missions, Supplemental Section 125-1 throughout 125-22 Supplement 5 Renewal/Revision/Expansion by Texas Historical Commission on the Natural and Cultural Resources Information at proposed Coal Mine Eagle Pass Texas conducted by Archeologists,

Respectfully submitted,

Kawa Makalo Ate in our Ancient Coahuilteca Dialect, Love your Family Relationships.

Pacuache Clan of Texas
Mission Indigenous Lineal Descendants
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Richard Garay

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